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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,342	06/09/2005	Tadashi Fukuhara	SNK-001-US	1639
21254 7590 07/17/2007 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			EXAMINER KENNY, DANIEL J	
			ART UNIT 3635	PAPER NUMBER
			MAIL DATE 07/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/532,342	Applicant(s) FUKUHARA ET AL.	
	Examiner Dan Kenny	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 6-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 6-13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/9/2007.

Specification

1) This application does not contain a "Cross-Reference to Related Applications" as required by 37 CFR 1.78 and MPEP § 201.11.

and

2) The disclosure is objected to because at page 15, no reference is made to Fig. 12c.

Appropriate correction is required.

Claim Objections

Claim 1 is objected to because the "width direction" could be either the longitudinal or transverse edge of the sheet.

Claim 2 is objected to because "folded back above" does not describe above what the edge is folded.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language "a portion of the main sheet of one construction sheet that is located near the overlapping part is placed on the fastening part of an adjacent construction sheet and the overlapping part is overlapped with said overlapped part" is a method step within a device claim.

For examination purposes, this is understood structurally as the overlapping part overlapping the overlapped part.

The language "an area extending from the vicinity of the outer ends of the overlapping parts of both construction sheets to the vicinity of the inside corner parts of the overlapped parts is fused with said synthetic resin film via a resin welding member" is confusing at least because it recites "the outer ends of the overlapping parts of both construction sheets", when there is apparently only one overlapping part per sheet, and it mates with the overlapped part of the adjacent sheet.

For examination purposes, this is understood as the film adjacent the joined overlapping and overlapped parts being fused with a resin welding member.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Sanko (JP 2000-314211).

Sanko discloses a roof cover comprising:

a plurality of construction sheets in which a thin metal sheet part (A1) and a synthetic resin film (A2) are constructed in layer form, and each sheet consists of a main sheet (m) part, an overlapped part (od) formed along the longitudinal edge of the main sheet, an overlapping part (og) which is formed on the other longitudinal edge of the main sheet, and which overlaps the overlapped part, and a fastening part (fp) which is formed in a substantially flat shape from the outside end of said overlapped part; and the film adjacent the joined overlapping and overlapped parts fused with a thermoplastic resin welding member (5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanko (JP 2000-314211) in view of Yugen (JP 3079769).

Sanko does not expressly disclose the outer edge of the fastening part bent up and folded over the top of the fastening part, or, an engaged part formed on the overlapped part, and an engaging part formed on the overlapping part in a position corresponding to the overlapped part, the engaging part engaged with the engaged part.

Yugen discloses a roof cover wherein an outer edge of a fastening part is bent up and folded over the top of the fastening part (see Fig. 2, 3f), and, an engaged part (3b) is formed on an overlapped part (3), and an engaging part (2c, 2d) is formed on an overlapping part (2) in a position corresponding to the overlapped part, the engaging part engaged with the engaged part.

It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use an outer edge of the fastening part bent up and folded over the top of the fastening part as taught by Yugen in the structure of Sanko to strengthen the fastening part, and to include engaged and engaging parts on the

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overlapped part and overlapping parts respectively to provide a stronger seam between the sheets.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sanko (JP 2000-314211) in view of McCoy (2,038,437).

Sanko does not expressly disclose the resin welding member fusing the film at an eave location where the sheet and a trough member meet.

McCoy discloses a roof cover wherein, at an eave location, a sheet and a trough member meet.

It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use the trough member taught by McCoy in the structure Sanko to collect water, and to use the resin welding member to fuse the film at the eave location where the sheet and a trough member meet to seal the connection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Kenny whose telephone number is (571) 272-9951. The examiner can normally be reached on Monday thru Friday, 9 am to 5 pm.

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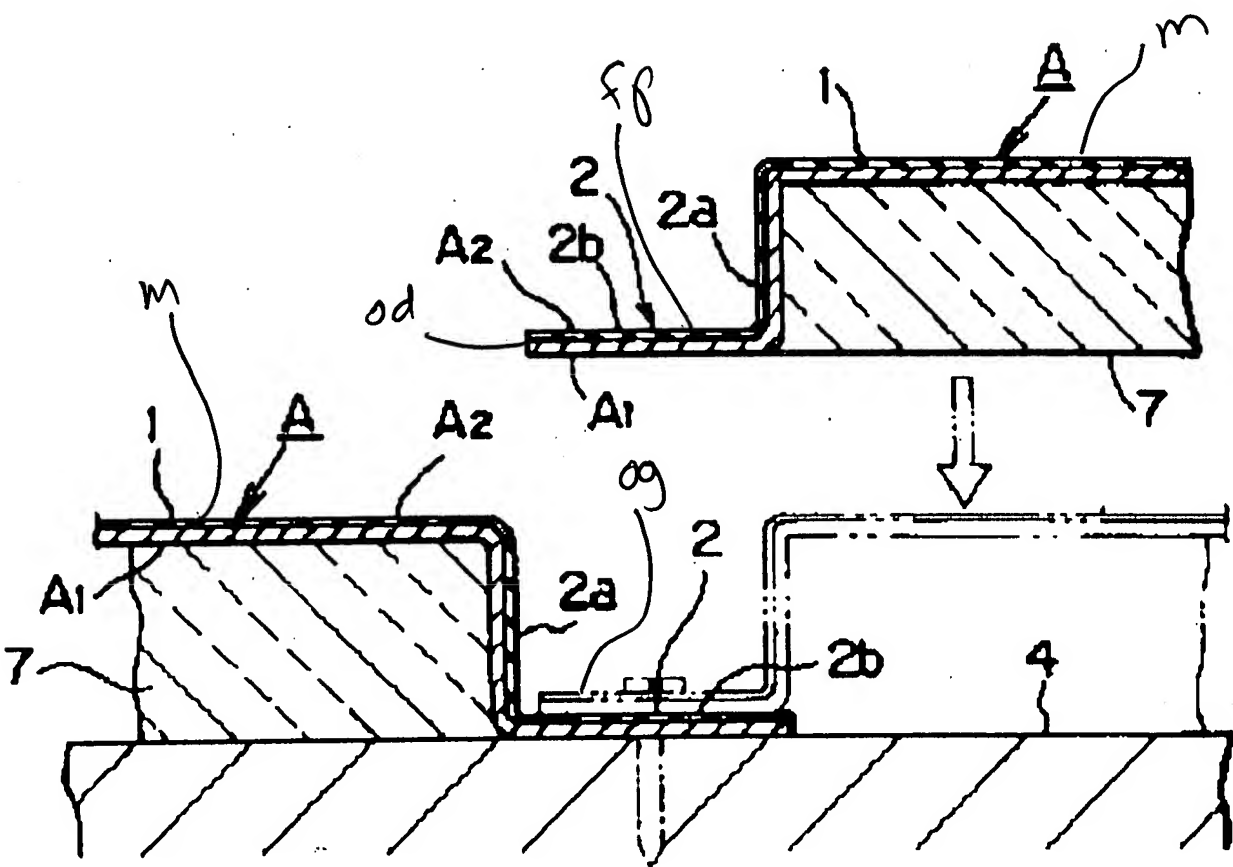
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DK DSK

7/7/2007


Jeanette Chapman
Primary Examiner



[Drawing 5]

